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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 SAN JOSE DIVISION

11 In re: Edward H. Okun Internal Revenue
12 Service Tax Deferred Exchange Litigation

13 NO. C 07-02795 JW
14 NO. C 09-02079 JW

15 Anita Hunter, et al.,

16 Plaintiffs,

17 v.

18 Citibank, N.A., et al.,

19 Defendants.

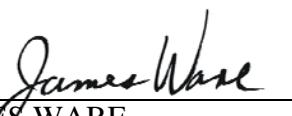
20 **ORDER VACATING CASE MANAGEMENT
21 CONFERENCE; SETTING HEARING ON
22 MOTION FOR PRELIMINARY APPROVAL
23 OF WAVE II SETTLEMENT AGREEMENT**

24 This case is scheduled for a Case Management Conference on February 8, 2010. Pursuant to
25 the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly
26 submitted a Joint Case Management Statement. (hereafter, "Joint Statement," Docket Item No.
27 261.) In their Joint Statement, the parties represent that Defendants Lockton, Todd Pajonas, Bank of
28 America, N.A., and Countrywide Bank, FSB, have agreed, in principle, to settle as part of the Wave
II Settlement Agreement. (*Id.* at 5.) In light of this representation, the Court finds that a Case
Management Conference is unnecessary at this time.

Accordingly, the Court VACATES the Case Management Conference. On **May 10, 2010 at
9 a.m.**, the Court will conduct a hearing on the parties' anticipated Motion for Preliminary Approval

1 of the Wave II Settlement. The parties shall notice their motion in accordance with the Civil Local
2 Rules of the Court.

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4 Dated: February 3, 2010
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JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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21 **Dated: February 3, 2010**

Richard W. Wieking, Clerk

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23 **By: /s/ JW Chambers**
24 **Elizabeth Garcia**
25 **Courtroom Deputy**